

### **REMARKS**

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-25 are pending in the application. Claims 22-25 have been withdrawn from consideration. Claims 1-21 have been rejected. Claim 1 herewith is amended. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Applicants hereby affirm the election with traverse to prosecute the invention of Group I, Claims 1-21.

Relying on 35 U.S.C. §102(e), the Examiner rejected claims 1-12, 14-18, 20, and 21 as being anticipated by Campbell et al. The Examiner states that Campbell et al. disclose an inkjet recording element having a porous substrate and a surface layer, which traps pigment particles, over the porous substrate. The Examiner states that the pigment trapping layer is equivalent to the claimed porous ink receptive layer and is disclosed in col. 7, lines 22-42.

This rejection is traversed. Campbell et al. is not directed to an inkjet recording element that is intended to be fused. On the other hand, Campbell et al. does disclose particles comprising polymer materials that would be inherently fusible. However, Campbell et al. is directed to an inkjet recording element comprising a relatively thin ink-pigment-trapping surface layer having a thickness that is less than three microns. In contrast, a fusible layers that, in practice, is intended to be actually fused, as in the present invention, must be thicker than 3 microns, especially in view of the size of the fusible particles, in order to obtain a well fused layer.

In view of the above, in order to clarify the invention and further distinguish from Campbell et al., independent claim 1 has now been amended to require that the porous ink-receptive layer comprising fusible polymeric particles has a thickness of at least about 7.5 micrometers, as supported by the original specification on page 18, line 12.

Relying on 35 U.S.C. §102(e), the Examiner rejected claims 1, 6, 12-14, and 17-20 as being anticipated by Wexler. The Examiner states that

Wexler discloses an inkjet recording element comprising a support, an ink carrier liquid receptive layer on the support, a dye trapping layer on the ink carrier liquid receptive layer, and an ink transporting layer on the dye trapping layer. The Examiner identifies the dye trapping layer of Wexler with the presently claimed porous ink receptive layer.

This rejection is respectfully traversed. The present claims require that the lower surface of the ink-receptive layer is contiguous with a porous support (emphasis added), wherein the porous support comprises interconnecting open-cell pores facing the lower surface of the porous ink-receptive layer, which pores are, therefore, capable of receiving a substantial amount of ink-carrier liquid from an inkjet composition applied to the fusible, porous ink-receptive layer. Thus, the present invention explicitly and specifically requires that the porous ink receptive layer of the present invention is right next to, immediately adjacent to, the porous support. In contrast, Wexler's dye trapping layer is not next to the support; there is an intermediate porous, ink carrier liquid receptive layer between the support and the dye trapping layer. This ink carrier liquid receptive layer is not the support. The Abstract refers to an "inkjet recording element having a support having thereon in order: a) at least one porous, ink carrier liquid receptive layer....(emphasis added)."

Finally, Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wexler in view of Campbell et al. It is the conclusion of the Examiner that "...it would have been obvious to a person of ordinary skill in the art to combine the porous substrate of Campbell with the invention of Wexler in order to readily absorb the amount of ink applied to create various images."

This rejection is respectfully traversed. Since Wexler is directed to an inkjet recording element that is intended to be fused and Campbell et al. is directed to an inkjet recording element that is not intended to be fused, a person of ordinary skill in the art would not look to combine layers from two such disparate elements. The Examiner suggests that one could take the porous substrate of Campbell and combine it with Wexler, but is not clear how that would obtain the present invention, since neither Wexler

nor Campbell has the two layer structure in which a layer of fusible beads intended to be fused is immediately adjacent an absorbent support.

The present specification, on page 7, defines a support as an integral material that supports the image-receiving layer and includes the bottom surface of the inkjet recording element. The support either comprises a single layer or, if comprising more than one layer, comprises either (1) an adjacent layer that comprises at least 80% of the thickness of the element and/or (2) an adjacent layer that is either paper or a voided extruded polymeric film that is extruded, including optional co-extrusion with additional underlying layers in the support, wherein the adjacent layer forms the upper surface of the support and is the porous layer contiguous or in contact with the image-receiving layer. Typically, the support by itself is a self-standing material for providing sufficient structural rigidity. Typically, the image-receiving layer by itself is not a self-standing material, but is supported by the porous support. The support must provide sufficient rigidity for the media, typically at least 15 milliNewtons as measured by the L&W 10-1 Stiffness Tester (Lorentzen and Wettre Co.) using the SCAN-p29 (Scandinavian Pulp, Paper and Board) method.

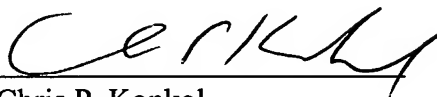
In view thereof, it follows that the subject matter of the claims would not have been obvious over Wexler in view of Campbell et al. at the time the invention was made.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is

requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "C. P. Konkol", written over a horizontal line.

Chris P. Konkol  
Attorney for Applicant(s)  
Registration No. 30,721

CPK:clb  
Rochester, NY 14650  
Telephone: (585) 722-0452  
Facsimile: (585) 477-1148